Dear Jim, 4/18/74

I started drafting this affidavit last night as soon as we finished talking but was interrupted constantly by phone calls in answer to my advertising of the locust posts I have for sale and by the coming of the upholsterer to repair his own work on my old recliner.

So, I started again early this morning. I will mail it unread in order to get it into town with Lil and will read the carbon later.

I am not attaching any records I quote. I have several reason. First of all there is no time. And it would take much time to find those places in the voluminous transcripts. More, I want to confront both the government on fact and Gessell on satsifying himself on fact. If he asks the government to provide the records to which I refer they will have to or we'll be able to show they are toying with him.

I have gone into more detail on Russell because of what I'd forgotten when we spoke, as did you fromreading the draft of the article I wrote, it was on precisely the subject of this transcript that Russell personally told me his belief that he and the others had been deceived on fact. I think that this should impress Gessell and is quite relevant.

One of my letters to Russell reports that on this subject I had already collected enought to make a book if, as you know, my investigation was then as now not complete.

If there is any disputing I can provide all the correspondence. Plus what I have not said, that Russell thereafter went public. I like to hold another punch back!

There is another advantage in suddenly not attaching proofs. It leaves the government in doubt about what I have. It is apparent from Rankin's affidavit that they are deeply troubled by what we have attached in the past. So, they will really be worried if Gessell asks for proof and they hold anything back.

Aside from the time it would take to locate and copy those places in the transcript, I have another reason for not doing it now. It is clear in context that there were personal and not national security reasons. The old boys wanted assurance they could leave their hair down safely. Warren merely told them nobody would ever see the transcripts, which is what he and Rankin planned. And the deliberations on what would be published and how are pretty raunchy, as Rhoads will see if he is forced to look it up. As I recall, particularly Dulles and Rankin, withcracks at Congress.

I do not believe that Gessell will let a challenge like this go unaccepted. If he does, we will still have made a sufficient record.

They can't produce any such order as Rankin claims he got because he got none. Even if Warren personally told him, that is not the wording of his affidavit. He says the Commission, and it acted in its executive sessions, which were for that purpose. Moreover, there would have had to be directives to the staff, and there are none. It has to be obvious, as I avoided saying to keep it in reserve for you to use in court if necessary, that if at the outset the Commission had decided to classify its sessions first the Members would not have asked questions and then, had they, would have been given the specific answer that there was TOP SECRET classification. Boggs is one who asked. Warren answered.

In short, I am trying to make a further trap and to give Gessell the chance to spring it because the governme t has given us more to make traps with. I think that if Gessell learns the truth he will not be placid or silent. The question is will they get away with deceiving him. Thus I seek to force him to confront a direct contradiction in sworn statements. It seems to me that he can resolve this only in a proceeding in which he assesses documents and testimony.

Meanwhile, don't forget that the FBI reports on this are <u>not</u> withheld and were <u>never</u> classified. I don't recall if you left this in my first affidavit. If not, do you want to add it to this one? I think so....Don't you think that Gessell will see that there should be a record, especially when there is this 5/1/64 Rankin letter and no other? Best,

4/18/74 afterthought: remember, I have drafted this in haste and when tired, so please read carefully and critically. If you have any questions and there is no time to consult, use your own judgement. If you want attachments, we can have attachment, but we can't possibly be complete in the time we have. If you want Bobby's exact words on what can be withheld and the Archives position, o.k. Time and trying to force them to be honest with Gessell and to force him to force them are the reasons for my not using them. I have them, as you also do. HW